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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,264	08/02/2005	Takahiro Matsuzawa	05500/LH	1489
1933 7590 06/12/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER MARTIN, LAURA E				
ART UNIT 2853		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/544,264

**Applicant(s)**

MATSUZAWA ET AL.

**Examiner**

LAURA E. MARTIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 9, 11-15, 17-20, 22, 23, 25, 27-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 7, 9, 11-15, 17-20, 22, 23, 25, 27-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 15, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takabayashi et al (JP 2002-307755 A) in view of Bruch et al. (US 2002/0163551 A1).

#### **Takabayashi et al. disclose the following claim limitations:**

As per claims 1 and 17: jetting recording ink containing a color material onto a recording medium by a recording head, and colorless ink for improving gloss onto the recording medium by the recording head to perform image formation [0048]; a control unit to control the image forming unit [0038-0050]; and determining an adhered amount of the colorless ink per unit area in response to an adhered amount of the recording ink per unit area [0050].

As per claims 2 and 18: a jetted position of the colorless ink is determined in response to a jetted position of the recording ink [0050].

As per claims 3 and 19: the jetted position of the colorless ink is determined preferentially from a position that is not adjacent to or overlapped on the jetted position of the recording ink (preferentially does not mean necessarily).

As per claims 4 and 20: the adhered amount of colorless ink is increased in a

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region where the adhered amount of recording ink is a predetermined amount or less than in a region where the adhered amount of, recording ink is more than the predetermined amount [0050].

As per claims 6 and 22: the sum total of the adhered amounts of the colorless ink and the recording ink in the unit area is 2 cc/m<sup>2</sup> or more [0018].

**Takabayashi et al. do not disclose the following claim limitations:**

As per claims 1 and 17: each said unit area is set as a block formed of an aggregate of  $n$  pixels where  $n$  is greater than 1, and is set to have a size of 1 mm square or less, and the adhered amount of the colorless ink for each said unit area is determined such that a sum total of the adhered amounts of ink in the unit area is at least a predetermined amount.

**Bruch et al. the following claim limitations:**

As per claims 1 and 17: each said unit area is set as a block formed of an aggregate of  $n$  pixels where  $n$  is greater than 1, and is set to have a size of 1 mm square or less, and the adhered amount of the colorless ink for each said unit area is determined such that a sum total of the adhered amounts of ink in the unit area is at least a predetermined amount [0041] (there are 23.62 pixels per millimeter squared, this is the predetermined amount of pixels that will adhere to a millimeter squared area).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus taught by Takabayashi et al. with the disclosure of Bruch et al. in order to provide a high quality image. It is well known in the art to print at resolutions of different amounts.

As per claims 15 and 31: Takabayashi discloses the claimed invention except for the light absorbance change in mixing the recording ink and the colorless ink with each other is less than 5%. It would have been obvious to one having ordinary skill in the art at the time the invention was made to alter the amount of different inks to change the light absorbance, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272,205 USPQ 215 (CCPA 1980)

Claims 1-4, 9, 11-13, 15, 17-20, 25, 27-29, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishimoto (US 6877850 B2) in view of Bruch et al. (US 2002/0163551 A1).

**Ishimoto et al. disclose the following claim limitations:**

As per claims 1 and 17: jetting recording ink containing a color material onto a recording medium by a recording head, and colorless ink for improving gloss onto the recording medium by the recording head to perform image formation; a control unit to control the image forming unit (column 5, lines 20-41) and determining an adhered amount of the colorless ink per unit area in response to an adhered amount of the recording ink per unit area (column 4, line 65-column 5, line 20).

As per claims 2 and 18: a jetted position of the colorless ink is determined in response to a jetted position of the recording ink (column 4, line 65-column 5, line 20).

As per claims 3 and 19: the jetted position of the colorless ink is determined preferentially from a position that is not adjacent to or overlapped on the jetted position of the recording ink (preferentially does not mean necessarily).

As per claims 4 and 20: the adhered amount of colorless ink is increased in a region where the adhered amount of recording ink is a predetermined amount or less than in a region where the adhered amount of recording ink is more than the predetermined amount (column 4, line 65-column 5, line 20).

As per claims 9 and 25: a jetted position of the colorless ink jetted onto the block is determined preferentially from a pixel in which the adhered amount of the recording ink is smaller (column 4, line 65-column 5, line 20).

As per claims 11 and 27: the recording ink contains fine particles (column 3, lines 37-55).

As per claims 12 and 28: the recording medium includes a micro-porous recording medium (column 1, lines 18-32).

As per claims 13 and 29: a surface layer of the recording medium contains a thermoplastic resin (column 9, lines 1-42).

As per claims 33 and 34: the recording ink is an aqueous pigment as said color material, and the colorless ink is an aqueous ink containing a dispersed resin and substantially no pigment (column 3, lines 5-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus taught by Ishimoto et al. with the

disclosure of Bruch et al. in order to provide a high quality image. It is well known in the art to print at resolutions of different amounts.

As per claims 15 and 31: Ishimoto et al. disclose the claimed invention except for the light absorbance change in mixing the recording ink and the colorless ink with each other is less than 5%. It would have been obvious to one having ordinary skill in the art at the time the invention was made to alter the amount of different inks to change the light absorbance, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272,205 USPQ 215 (CCPA 1980)

Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takabayashi et al. (JP 2002-307755 A) in view of Onishi et al. (US 2001/0015745 A1).

**Takabayashi et al. disclose the following claim limitations:**

Claims 1 and 17.

**Takabayashi et al. do not disclose the following claim limitations:**

As per claims 7 and 23: the sum total of the adhered amounts of the colorless ink and the recording ink in the unit area is less than  $13 \text{ cc/m}^2$ .

**Onishi et al. disclose the following claim limitations:**

As per claims 7 and 23: the sum total of the adhered amounts of the colorless ink and the recording ink in the unit area is less than  $13 \text{ cc/m}^2$  [0018].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recording method taught by Takabayashi et al. with the disclosure of Onishi et al. in order to provide a high quality ink.

Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishimoto et al. (US 6877850 B2) in view of Onishi et al. (US 2001/0015745 A1).

**Ishimoto et al. disclose the following claim limitations:**

Claims 1 and 17.

**Ishimoto et al. do not disclose the following claim limitations:**

As per claims 7 and 23: the sum total of the adhered amounts of the colorless ink and the recording ink in the unit area is less than  $13 \text{ cc/m}^2$ .

**Onishi et al. disclose the following claim limitations:**

As per claims 7 and 23: the sum total of the adhered amounts of the colorless ink and the recording ink in the unit area is less than  $13 \text{ cc/m}^2$  [0018].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recording method taught by Ishimoto et al. with the disclosure of Onishi et al. in order to provide a high quality ink

Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishimoto et al. (US 6877850 B2) in view of Shigemura (US 2001/0017642 A1).

**Ishimoto et al. disclose the following claim limitations:**

Claims 13 and 29.



**Ishimoto et al. do not disclose the following claim limitations:**

As per claims 14 and 30: a fixing process including heating or pressurization is implemented for the recording medium on which the recording ink and the colorless ink are jetted.

**Shigemura discloses the following claim limitations:**

As per claims 14 and 30: a fixing process including heating or pressurization is implemented for the recording medium on which the recording ink and the colorless ink are jetted [0204].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Ishimoto with the disclosure of Shigemura in order to provide a higher quality image.

***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6, 7, 9, 11-15, 17-20, 22, 23, 25, 27-31, 33, and 34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. E. M./  
Examiner, Art Unit 2853

Laura E. Martin

/Manish S. Shah/  
Primary Examiner, Art Unit 2853